

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDGAR W. TUTTLE, ERIC BRAUN, THE BRAUN FAMILY TRUST, and WENDY MEG SIEGEL, on behalf of themselves and all others similarly situated,

Plaintiffs,

No. C 10-03588 WHA

v.

SKY BELL ASSET MANAGEMENT, LLC, GARY R. MARKS, GEOFFREY M. KITSCH, MICHAEL SELL, AGILE SKY ALLIANCE FUND, LP, AGILE SKY ALLIANCE FUND GP, LLC, AGILE GROUP LLC, GREENBERG & ASSOCIATES, INC., d/b/a AGILE INVESTORS, INC., NEAL GREENBERG, EDEN ROCK FINANCE FUND, LP, SOLID ROCK MANAGEMENT LIMITED, ERCM LLP, SANTO VOLPE, ERNST & YOUNG LLC, NIGHT WATCH PARTNERS, LP, SKY BELL OFFSHORE PARTNERS, LTD., PIPELINE INVESTORS, LP, SKY BELL SELECT, LP, WAILED PARTNERS, LP, WAILED CAPITAL GP, LLC, WAILED ADVISORS, LP, PROSPECT CAPITAL, LLC, WILLIAM BELHUMEUR, ROTHSTEIN KASS & COMPANY, P.C., MCGLADREY & PULLEN, LLP,

**ORDER TO SHOW CAUSE**

Defendants.

Counsel for Eden Rock Finance Fund, LP, Solid Rock Management Limited, and Eden Rock Capital Management LLP, are ordered to show cause why their motion to dismiss should not be stricken as in violation of the second amended case management order. The Court notes that counsel from Paul Hastings did not appear at the case management conference on February 10, 2011, where the subject of briefing any motion(s) to dismiss was discussed, thus waiving their right to complain about the resulting order. Counsel must show cause including a

1 statement under oath by **WEDNESDAY, MARCH 2, 2011, AT NOON**, and the issue will be decided  
2 without further argument.

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4 **IT IS SO ORDERED.**

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6 Dated: February 28, 2011.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE